



ACCESS BULLETIN

Edition #29

DISABILITY AND COMMUNICATION ACCESS BOARD

September 2006

The Disability and Communication Access Board (DCAB) has rendered several interpretive opinions to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Final Fair Housing Accessibility Guidelines (FFHAG). A DCAB interpretive opinion is a clarification of a particular design standard, and only applies to State and county construction projects subject to HRS §103-50. This Bulletin presents a summary of the questions received and their rulings rendered by DCAB since the last Access Bulletin Edition #28. There are four parts to each interpretive opinion: the left column identifies the relative guideline section, the question is in **bold** type, the request's docket number and ruling date in [brackets], and the ruling in *italic*. If you would like to receive a copy of a complete docket, please call DCAB with your name, address, and the docket number you desire.

Americans with Disabilities Act Accessibility Guidelines

4.1.1 APPLICATION

ADAAG 4.1.1(3)	Employee Work Areas	When is an accessible route required to work areas and what is the definition of a "work area"? [DCAB 2005-06; Rul: 09/05] <i>Areas that are used only as work areas shall be designed and constructed so that individuals with disabilities can approach, enter and exit the areas. Machinery spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment shall not be required to comply with these requirements or to be on an accessible route. Machinery spaces include, but are not limited to, elevator pits or elevator penthouses; mechanical, electrical or communications equipment rooms; piping or equipment catwalks; water or sewage treatment pump rooms and stations; electric substations and transformer vaults; and highway and tunnel utility facilities.</i>
ADAAG 4.1.1(3)	Areas Used Only by Employees as Work Areas	AAC 93-64.552, DCAB 2002-09 and DCAB 2004-11 are not consistent with the latest interpretive opinion, DCAB 2005-06. This docket requests that those opinions be revisited and a ruling be made to amend, repeal or reconfirm each interpretive opinion. [DCAB 2005-09; Rul: 11/05] <i>In the event of a conflict in interpretive opinion or a portion there of the most recent interpretive opinion prevails for the purpose of the Hawaii Revised Statutes (HRS) 103-50 process.</i>

4.1.2 ACCESSIBLE SITES AND EXTERIOR FACILITIES: NEW CONSTRUCTION

ADAAG 4.1.2(1)	Accessible Sites and Exterior Facilities: New Construction. Accessible Route	<p>Is a public sidewalk that is part of an accessible route required to comply with ADAAG Section 4.3.1, where the public sidewalk crosses a driveway? Is an accessible route that crosses a driveway required to comply with the ADAAG Section 4.3.1, where the public sidewalk stops at the sides of the driveway and the driveway is a continuation of the roadway? Should AAC 96-01 and AAC 1998-20 be reassessed in light of this interpretive opinion?</p> <p>[DCAB 2005-04; Rul: 07 / 05]</p> <p><i>Rescind AAC 96-01 and AAC 1998-20 and replace with the following ruling: "A public sidewalk that is part of an accessible route shall comply with ADAAG Section 4.3.1, when the public sidewalk crosses a driveway. When a public sidewalk that is part of an accessible route stops at the side of a driveway and the driveway is a continuation of the roadway, the public sidewalk shall comply with ADAAG Section 4.3.1 for a distance of 24 inches measured from the delineation between pedestrian route and vehicular way (e.g., curb line) into the driveway. Departments and consultants are not required to comply with the ADAAG, if the department and consultant deem compliance with the ADAAG structurally impracticable or technically infeasible."</i></p>
ADAAG 4.1.2(1)	Accessible Sites and Exterior Facilities: New Construction	<p>ADAAG Section 4.1.2(1) indicates an accessible pedestrian route is required within the site boundary to public streets. However the ADAAG Manual, published by the Access Board, indicates, "If the property is accessed by vehicle only, then a pedestrian route is not required." Is at least one accessible route complying with 4.3 required within the boundary of the site from public streets to an accessible building entrance, where the site boundaries are not bordered by a pedestrian way (e.g., site entry is by vehicle only)?</p> <p>DCAB 2005-05; Rul:07 / 05]</p> <p><i>An accessible route is not required within the boundary of the site from public streets to an accessible building entrance, where the site boundaries are not bordered by a pedestrian way and the site entry is by vehicles only. When a vehicular way, or a portion of a vehicular way, is provided for pedestrian travel from the public streets to an accessible building entrance, an accessible route is required within the boundary of the site from public streets to an accessible building entrance.</i></p>

4.1.3 ACCESSIBLE BUILDINGS: NEW CONSTRUCTION

ADAAG 4.1.3(14)	Emergency Warning Systems	<p>Does the NFPA 72 (2002 Edition), specifically Chapter 7 Notification Appliances for Fire Alarm Systems, provide for equal or greater access in terms of accessibility as required by the ADAAG?</p> <p>[DCAB 2005-08; Rul: 09 / 05]</p> <p><i>Where emergency warning systems are provided, they shall include both audible alarms and visual alarms complying with the ADAAG Scoping Section 4.28.1. The emergency warning system when provided, shall comply with either the ADAAG Technical Section 4.28.2 Audible Alarms and Section 4.28.3 Visual Alarms or the NFPA 72 (2002 Edition) Chapter 7, Notification Appliances for Fire Alarm Systems.</i></p>
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4.13 DOORS

ADAAG 4.13 Doors

Is a non-opaque security barrier that is locked in the open position during a facility's hours of operation required to comply with the door requirements of the ADAAG, Section 4.13?

[DCAB 2005-07; Rul: 09/05]

Security barriers that are locked in the open position during a facility's hours of operation are not required to comply with the door requirements of ADAAG, Section 4.13.

4.16 WATER CLOSETS

ADAAG 4.16.6 Size and Spacing of Grab Bars and Handrails

If a projecting object such as a toilet paper dispenser is mounted above an accessible grab bar, what requirements are there for clearance between the grab bar and the projecting object? How far must the object project to subject it to clearance requirements above a grab bar? Should DCAB 2003-04 be reassessed in light of this interpretive opinion?

[DCAB 2005-02; Rul: 07/05]

Rescind DCAB 2003-04 and replace with the following ruling: "The space between an accessible grab bar and projecting objects above shall be 12 inches minimum, and the highest operable part of controls, dispensers, receptacles and operable equipment shall be placed within the applicable accessible reach range. An object, which is not flush with the finish surface of the wall is subject to the clearance requirements above an accessible grab bar."

EXCEPTION: The space between grab bars and shower controls, shower fittings, and other grab bars above shall be permitted to be 1-1/2 inches minimum. Recommendation: If toilet paper dispensers are installed above the sidewall grab bar, the outlet of the toilet paper dispenser should be 48 inches maximum above the finish floor.

4.21 SHOWER STALLS

ADAAG 4.21.4 Grab Bars

The text indicates grab bars at shower must comply with Fig. 37. Fig. 37 appears to require a continuous grab bar (also see Fig. 35(b)). The DOJ and Access Board indicated that continuous grab bars are not required. In order to provide a continuous grab bar, they must be made at great expense. Is it equivalent to provide three separate grab bars?

[DCAB 2005-10; Rul: 11/05]

For accessible showers, individual grab bars as allowed by the ADA/ABA Accessibility Guidelines Section 608.3 Grab Bars provide equivalent facilitation to a continuous grab bar as shown in the ADAAG Fig. 35, 37, and 57. A minimum 3-inch clear distance between adjacent grab bars shall be provided.

Residential Housing Accessibility Guidelines

RHAG 13.3.5(5)	Showers	<p>Can a 30 inch by 60 inch minimum shower stall, which is required to comply with RHAG 13.3.5(5) Showers, have a fixed, folding type seat, which is mounted on the wall adjacent to the controls as shown in ADAAG Fig. 57?</p> <p>[DCAB 2005-03; Rul: 07/05]</p> <p><i>A 30 inch by 60 inch minimum roll-in shower stall which is required to comply with the RHAG Section 13.3.5(5) Showers, may have a fixed, folding type seat which is mounted on the wall adjacent to the controls as required in the ADAAG Section 4.21.3 and as shown in Fig. 57.</i></p>
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News You Can Use

*To assure that persons with disabilities have access to both state and county facilities, under HRS 103-50 **all** plans and specifications **of** state and county projects are required to be submitted to DCAB, including plans and specifications of projects that appear to have no accessibility issues (i.e. painting, re-roofing, air-conditioning, etc.).*

The **HRS 103-50** states that **all** plans and specifications for the construction of public buildings, facilities, or sites by the State or any county shall be prepared so that the buildings, facilities, or sites are accessible to and usable by persons with disabilities. "Public buildings, facilities, and sites" means buildings, facilities and sites that 1) are designed, constructed, purchased or leased with the use of any State or county funds; 2) house State or county programs, services, or activities that are intended to be accessed by the general public; or 3) are constructed on State or county lands to be transferred to the State or a county. The HRS 103-50 states that all agencies of the State and counties shall seek the "advice and recommendations" from the Disability and Communication Access Board on all plans and specifications to ensure conformance with the ADAAG and FHAAG, as well as any supplemental design guidelines established by the Disability and Communication Access Board.

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